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2-3-96
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

12
13 CHURCH OF SCIENTOLOGY INTERNATIONAL,) Case No. 157 680
a California not-for-profit)
14 religious corporation,) [CONSOLIDATED]
15 Plaintiff,)
16 v.) NOTICE OF ENTRY OF ORDER
17 GERALD ARMSTRONG, et al.,) RE DEFENDANT GERALD
18 Defendants.) ARMSTRONG'S MOTION FOR
RECONSIDERATION OF ENTRY
OF PERMANENT INJUNCTION

19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on January 17, 1996 the attached Order
21 Re Defendant Gerald Armstrong's Motion for Reconsideration of Entry
22 of Permanent Injunction was signed by the Honorable Gary W. Thomas
23 and filed in the above-entitled court on January 18, 1996.

24 DATED: February 1, 1996

WILSON, RYAN & CAMPILONGO

25
26 By: 

27 ANDREW H. WILSON,
Attorneys for Plaintiff CHURCH
28 OF SCIENTOLOGY INTERNATIONAL

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CHURCH OF SCIENTOLOGY
9 INTERNATIONAL

FILED

JAN 18 1996

HOWARD HANSON
MARIN COUNTY CLERK
by P. Fan, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12
13 CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California not-
14 for-profit religious corporation,

15 Plaintiff,

16 vs.

17
18 GERALD ARMSTRONG, et al.,
19 Defendants.

) CASE NO. 157 680
) ^{cut}
) ~~PROPOSED~~
) ORDER RE DEFENDANT GERALD
) ARMSTRONG'S MOTION FOR
) RECONSIDERATION OF ENTRY OF
) PERMANENT INJUNCTION
)
) DEPT: 1
)
) TRIAL DATE: None
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1 This matter was submitted to the Court on December 1, 1995,
2 on motion of Defendant Gerald Armstrong for reconsideration of
3 entry of permanent injunction. Having read and considered the
4 moving and opposing papers,

5 IT IS ORDERED:

6 The motion of defendant Gerald Armstrong for reconsideration
7 is denied. As will be shown, none of defendant's arguments meet
8 the requirements of Code of Civil Procedure Section 1008,
9 Subdivision (a).

10 ARGUMENT 1: "The Court must consider the Heller declaration
11 which raises triable issues as to whether the agreement was
12 integrated and as to the parties intent that the gag provisions
13 were reciprocal." - It is not sufficient for purpose of a
14 reconsideration motion to simply argue that the court
15 misinterpreted the law. (*Gilberd v. AC Transit* (1995) 32
16 Cal.App.4th 1494, 1500.) Defendant's purported "new or
17 different" evidence is not "new or different" in that it is
18 merely cumulative of all of the other evidence defendant has
19 submitted in this case to show that the nature of Scientology
20 continues to be recognized as a live public controversy and that
21 Scientology intimidates and criticizes its members and critics.

22 ARGUMENT 2: "The injunction violates the first amendment."
23 - This again is simply an argument that the court previously
24 misinterpreted the law. The purported "new" evidence is
25 irrelevant to whether the injunction violates the first
26 amendment.

27 ARGUMENT 3: "The injunction prevents Armstrong from
28 defending himself in other litigation with CSI." - This is not

1 "new or different" since plaintiff sought the objected to
2 prohibition in its motion seeking a permanent injunction. The
3 bankruptcy order is not "new or different" since, even if the
4 bankruptcy court had not directed that testimony be via
5 declaration, defendant would have had the same purported problem
6 in obtaining direct testimony (i.e., he would have been unable to
7 talk to people about Scientology in order to obtain direct
8 testimony in his own defense). Even if the court considers this
9 argument, it has no merit in that defendant can ask people to
10 submit declarations without discussing his view and beliefs about
11 plaintiff.

12 ARGUMENT 4: "The Sealing Order is unintelligible and
13 unenforceable." - Again, this is not "new or different" since
14 plaintiff sought this relief when it sought the permanent
15 injunction.

16 ARGUMENT 5: "To the extent the agreement is in restraint of
17 trade, it is invalid." - Again, this is not "new or different"
18 since the same held true at the time plaintiff sought the
19 permanent injunction. In any event, the injunction does not
20 preclude defendant from working for his attorney as a paralegal.
21 Defendant cites no authority that the injunction is invalid where
22 is only limits the cases upon which he can work.

23 ARGUMENT 6: "The Heller and Long declarations raise triable
24 issues regarding the defense of unclean hands." - Defendant
25 points only to facts and evidence set forth in his previous

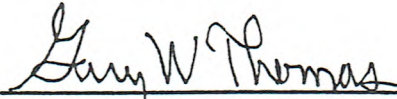
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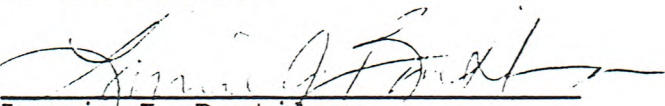
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1 separate statement, thus there is nothing "new or different" to
2 support this argument.

3 Dated: ^{Jan}~~December~~ 17, 1996


GARY W. THOMAS
Judge of the Superior Court

6 Submitted by:
7 Andrew H. Wilson
8 WILSON, RYAN & CAMPILONGO
9 MOXON & BARTILSON

10 By: 
11 Laurie J. Bartilson
12 Attorneys for Plaintiff
13 CHURCH OF SCIENTOLOGY
INTERNATIONAL

14 APPROVED AS TO FORM:

15
16 By: _____
17 Ford Greene, Esq.
18 HUB LAW OFFICES
19 Attorney for Defendants
20 GERALD ARMSTRONG and THE GERALD
21 ARMSTRONG CORPORATION

22 By: _____
23 Michael Walton, Esq.
24 Attorney for Defendants MICHAEL
25 WALTON and SOLINA WALTON
26
27
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2 support this argument.

3 Dated: December _____, 1995

5 _____
6 GARY W. THOMAS
7 Judge of the Superior Court

8 Submitted by:
9 Andrew H. Wilson
10 WILSON, RYAN & CAMPILONGO
11 MOXON & BARTILSON

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25 Michael Walton, Esq.
26 Attorney for Defendants MICHAEL
27 WALTON and SOLINA WALTON
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PROOF OF SERVICE

I declare that I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action. My business address is 115 Sansome Street, Suite 400, San Francisco, California.

On February 2, 1996, I caused the attached copy of NOTICE OF ENTRY OF ORDER RE DEFENDANT GERALD ARMSTRONG'S MOTION FOR RECONSIDERATION OF ENTRY OF PERMANENT INJUNCTION on the following in said cause, by placing for deposit with the United States Postal Service on this day in the ordinary course of business, true copies thereof enclosed in sealed envelopes. The envelopes were addressed as follows:

Gerald Armstrong
715 Sir Francis Drake Blvd.
San Anselmo, California 94960

Michael Walton
700 Larkspur Landing Circle, #120
Larkspur, CA 94939

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California on February 2, 1996.

Colleen Y. Palmer
Colleen Y. Palmer

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